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MEMORANDUM

To: ✓ Lynnwood City Council
Lynnwood Planning Commission

CC: Mayor Nicola Smith
Paul Krauss, Community Development

From: John E. Galt, Hearing Examiner 

Date: January 13, 2017

Subject: Annual Report for 2016

The Lynnwood Municipal Code provides for an annual report from the Hearing Examiner to the City Council and Planning Commission:

The Examiner shall report in writing to and meet with the Planning Commission and City Council at least annually for the purpose of reviewing the administration of the land use policies and regulatory ordinances, and any amendments to City ordinances or other policies or procedures which would improve the performance of the Examiner process. Such report shall include a summary of the Examiner's decisions since the last report.

[LMC 2.22.170] This Report covers the cases which I decided during 2016. The report is divided into two parts: Hearing Activity and Discussion of Issues. I am available to meet at a time of mutual convenience with Council and/or Planning Commission at your request.

Hearing Activity

The pace of development activity requiring an open record pre-decision hearing increased over 2015: I conducted seven hearings covering eight applications. Summaries of last year's cases are provided on the following pages.

Discussion of Issues

None of the cases heard last year raised any significant code or policy issues.

**City of Lynnwood
Hearing Examiner Decision Summaries
2016**

Applicant:	Edward H. Park
File No(s):	CUP-003364-2015
Hearing/Decision dates:	January 21, 2016/January 25, 2016
Location:	7106 196 th Street SW
Request:	Conditional Use Permit to operate a professional office on property zoned RMM (conversion of single-story, single-family residence next to EdCC North Campus)
Issue(s):	None
Decision:	Grant subject to condition
Reconsideration:	Not requested
Regulations, policies, or procedures identified for revision/clarification:	None

Applicant:	Best Harbour Development, LLC
File No(s):	PLT-003243-2015
Hearing/Decision dates:	January 21, 2016/February 22, 2016 ¹
Location:	At the west end of 177 th Place SW, between 36 th Avenue W and Spruce Way
Request:	Preliminary subdivision (<i>Arianna Place</i>): 2.5 acres into 10 single-family lots
Issue(s):	Safe walking conditions for school children; drainage; use and treatment of retaining walls; tree retention
Decision:	Approve subject to conditions
Reconsideration:	Applicant requested reconsideration; Examiner agreed to reopen hearing to allow new evidence to be submitted regarding safe walking conditions for school children; applicant withdrew reconsideration request prior to the reopened hearing.
Regulations, policies, or procedures identified for revision/clarification:	Once again the treatment of large retaining walls (and above-ground stormwater detention vaults) was at issue; the code should comprehensively address this as the use of such walls is growing as developers tackle sites for which it is difficult to provide utility services without massive grading.

Applicant:	Phoenix Development, LLC
File No(s):	PLT-003561-2016
Hearing/Decision dates:	April 28, 2016/May 2, 2016
Location:	19022 36 th Avenue W
Request:	Preliminary subdivision (<i>Leawood Heights</i>): 4.35 acres into 16 single-family

¹ The hearing record was held open through close of business on February 18, 2016, for submittal of information regarding safe walking conditions for school children. The Decision was issued four calendar days after the record closed.

	lots
Issue(s):	Opposition to extension of 190 th Place SW from its present temporary dead-end through to 36 th Avenue W (fear of cut-through traffic to the Mall not substantiated by expert evidence; City's traffic-calming program could be used if traffic became a problem); opposition to clearing all trees on the property (allowed by adopted code); desire to preserve as open space for the neighborhood (would be a taking of private property)
Decision:	Approve subject to conditions
Reconsideration:	Not requested
Regulations, policies, or procedures identified for revision/clarification:	The neighbors did not like the fact that under Chapter 17.15 LMC all trees on a site may be removed and replaced with new, younger trees. This subdivision also included retaining walls (up to nine feet tall) along part of the site perimeter.

Applicant:	Edmonds School District
File No(s).:	CUP-003829-2016
Hearing/Decision dates:	June 30, 2016/July 6, 2016
Location:	7200 191 st Street SW (19030 72 nd Avenue W)
Request:	Digital reader-board monument sign at the new Lynndale Elementary School site
Issue(s):	None
Decision:	Grant subject to conditions
Reconsideration:	Not requested
Regulations, policies, or procedures identified for revision/clarification:	None

Applicant:	Best Harbour Development, LLC
File No(s).:	PLT-004043-2016, RZN/PUD-004033=2016
Hearing/Decision dates:	August 25, 2016/August 31, 2016
Location:	At the west end of 177 th Place SW, between 36 th Avenue W and Spruce Way
Request:	This was a revision to the <i>Arianna Place</i> development approved on February 22, 2016. The applicant used the PUD process to increase the yield for the 2.5 acre site from 10 to 11 lots. Other changes included an underground (instead of aboveground) stormwater detention vault and provision of an on-site recreation tract.
Issue(s):	Issues in the original hearing (Safe walking conditions for school children; drainage; use and treatment of retaining walls; tree retention) were not present in this version of the application.
Decision:	Approve subject to conditions
Reconsideration:	Not requested
Regulations, policies, or procedures identified for revision/clarification:	None

Applicant:	Dayton Hudson Corp (dba Target Stores)
File No(s):	CUP-004079-2016
Hearing/Decision dates:	September 22, 2016/September 26, 2016
Location:	18305 Alderwood Mall Parkway
Request:	The Conditional Use Permit (CUP) process was used as a vehicle to terminate four old "Special Use Permits" (SUPs), since the SUP process has been eliminated from the City code
Issue(s):	This application involved no controversy or citizen interest. The SUPs were superfluous: They had been rendered obsolete by code changes since their approval.
Decision:	Terminate the old SUPs
Reconsideration:	Not requested
Regulations, policies, or procedures identified for revision/clarification:	None

Applicant:	Filipino American Christian Fellowship
File No(s):	CUP-004158-2016
Hearing/Decision dates:	November 9, 2016/November 14, 2016
Location:	4521 188 th Street SW
Request:	Conditional Use Permit to reconstruct and slightly enlarge an existing church
Issue(s):	None of any consequence
Decision:	Grant subject to conditions
Reconsideration:	
Regulations, policies, or procedures identified for revision/clarification:	None